

REMARKS

Claims 1-3 and 5-18 are pending. Claims 1, 3, and 6-16 have been amended. Applicant submits that support for these amendments may be found by reference to the specification, for example, at paragraphs 0128 – 0130 and 0145 of the application as published. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

Applicant thanks the Examiner for participating in the telephonic interview on July 28, 2009.

In the July 7, 2009 Office Action, the Examiner rejected claims 6-14 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. In doing so, the Examiner indicated that the term “computer readable recording medium” is not defined. Applicant has amended claim 6-14 in view of the Examiner’s comments. Accordingly, Applicant believes that claims 6-14 are in compliance with the written description requirement and respectfully requests that the rejection be withdrawn.

The Examiner rejected claims 1-3, and 5-18 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. In particular, the Examiner indicated that in claims 1, 3, 6, and 15-16 there’s no description in the specification for the determining limitation. Applicant respectfully disagrees and submits that support for the determining limitation may be found, for example, in paragraphs 0105 and 0106 of the application as published. Accordingly, Applicant requests that the Examiner withdraw the rejection.

The Examiner rejected claims 1-3, 5-9 and 15-18 under 35 U.S.C. §103(a) as

being unpatentable over Onodera et al., U.S. Patent No. 7,331,055 (hereinafter Onodera) in view of Maruyama et al., U.S. Patent No. 6,560,407 B2 (hereinafter Maruyama). The Examiner rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Onodera in view of Maruyama and further in view of Honda et al., U.S. Patent No. 7,015,939 B2. (hereinafter Honda). The Examiner rejected claims 10-12 under 35 U.S.C. §103(a) as being unpatentable over Onodera in view of Maruyama and further in view of Official Notice. Applicant respectfully traverses the rejections in view of the claims, as amended.

Independent claim 1, as amended recites inter alia "giving instructions for starting recording of the determined record information and instructions for starting formation of the determined image corresponding to the image information to the optical disc recording apparatus after the displaying step, ***wherein the determined record information is recorded on the recording face of the optical disc and automatically in succession thereafter the determined image is formed on the recording face of the optical disc by applying a laser beam.***"

None of the cited references disclose, teach or suggest the cited limitation. The Onodera reference discloses that bit map data Dbmp which is stored in a pit art data memory 47 is supplied through a microprocessor MPU to a display section 14, which displays a preview of the manner in which the pit art is to be formed on a program area 2a of a write once disc DSC. (Onodera, 12:27-42) However, Onodera makes no mention of a method "***wherein the determined record information is recorded on the recording face of the optical disc and automatically in succession thereafter the determined image is formed on the recording face of the optical disc by applying***

a laser beam.” Thus Onodera fails to disclose the giving instructions limitation as recited in independent claim 1, as amended.

The Maruyama reference does make up for the deficiencies of Onodera. Maruyama discloses printing information about the recording contents of an optical disc. (Maruyama, 30:16-35) However, the combination of Onodera and Maruyama fails to disclose, teach, or suggest the “giving instructions for starting recording of the determined record information and instructions for starting formation of the determined image corresponding to the image information to the optical disc recording apparatus after the displaying step, **wherein the determined record information is recorded on the recording face of the optical disc and automatically in succession thereafter the determined image is formed on the recording face of the optical disc by applying a laser beam.”** Accordingly, Applicant respectfully submits that independent claim 1, as amended, distinguishes over the combination of Onodera and Maruyama, for at least this reason.

Independent claims 3, 6, and 15 recite limitations similar to those in independent claim 1, as amended. Accordingly, Applicant respectfully submits that claims 3, 6, and 15 distinguish over Onodera in combination with Maruyama for reasons similar to those set forth above with respect to independent claim 1, as amended.

Claims 2, 5, 7-14, and 16-18 depends from independent claims 1, 3, 6, and 15, respectively. Accordingly, Applicant respectfully submits that claims 2, 5, 7-14, and 16-18 distinguish over Onodera in combination with Maruyama for the same reasons set forth above with respect to independent claims 1, 3, 6, and 15, respectively.

With respect to claims 13 and 14, Applicant respectfully submits that the

rejection under §103 is improper. The Examiner acknowledged this during the July 28, 2009 telephonic interview. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

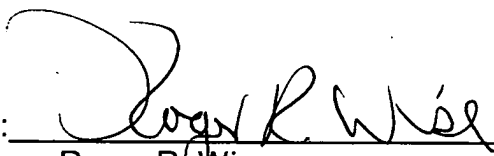
With respect to claims 10-12, the Examiner's official notice does not make up for the deficiencies of Onodera and Maruyama as identified above. Accordingly, claims 10-12, distinguish over the combination of Onodera, Maruyama and the Examiner's official notice.

Applicant believes that the foregoing amendment and remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

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By: 
Roger R. Wise
Registration No. 31,204
Attorney for Applicant

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033